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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 25 October 2004 from the Permanent Mission of Morocco to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of Morocco to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in reference to paragraph 9 of resolution 1533 (2004) concerning the implementation of measures imposed by paragraph 20 of resolution 1493 (2004), has the honour to transmit to him herewith a note describing the measures taken by the Government of the Kingdom of Morocco in relation to the application of the arms embargo on the Democratic Republic of the Congo (see annex).

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Annex to the note verbale dated 25 October 2004 from the Permanent Mission of Morocco to the United Nations addressed to the Chairman of the Committee

Measures taken by the Kingdom of Morocco pursuant to Security Council resolution 1493 (2003) concerning the application of the arms embargo on the Democratic Republic of the Congo

1. This report by the Government of the Kingdom of Morocco is submitted pursuant to paragraph 9 of Security Council resolution 1533 (2004), reaffirmed by resolution 1552 (2004), concerning the situation in the Democratic Republic of the Congo, in which the Council requested Member States to report on the actions they have taken to implement the measures imposed by paragraph 20 of resolution 1493 (2003) and to provide whatever further information they may consider necessary.

2. Morocco has taken note of resolution 1493 (2003) and is fully implementing the provisions of paragraph 20 of that resolution.

3. The Kingdom of Morocco prohibits all direct exports of military weapons, their components and munitions, under the Dahir (Royal Decree) of 13 March 1936, published in Official Bulletin No. 1220, under which military equipment may not be shipped outside the country, be exported, transit through the country or be trans-shipped.

4. Additionally, the provisions of article 400 of the Penal Code provide for terms of imprisonment for any person engaging in illicit trafficking of arms.

5. This provision is strengthened by the terms of the Anti-terrorist Act No. 03-03, of 5 June 2003, particularly article 218-1 concerning the production, possession, transport or use of arms, explosives or munitions.

6. Furthermore, the system of customs control and surveillance at the country's borders enables the competent authorities to prevent any illicit trafficking in weapons in Moroccan territory. This system is governed by the Customs Code of 1977, particularly article 115, which relates to general prohibitions.

7. The Government of Morocco has authorized the deployment of a contingent of the Royal Armed Forces in the Democratic Republic of the Congo, in the framework of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), with the necessary arms and equipment to enable it to carry out its task, pursuant to paragraph 21 of Security Council resolution 1493 (2003), dated 28 July 2003.

8. Within this framework, movements of arms and related material between Morocco and the Democratic Republic of the Congo are restricted to the arms and equipment of the Moroccan contingent serving with MONUC, and are governed by the Memorandum of Understanding concerning the participation of the Royal Moroccan Armed Forces in MONUC (DPKO/MONUC/MOR), dated 20 November 2001, and the subsequent agreements.